

locations only temporarily for assembling, manufacturing, processing, or other commercial purposes."

Adopted by the Senate on May 8, 2001, by the following vote: Yeas 26, Nays 2, one present not voting; and that the Senate concurred in House amendment on May 25, 2001, by the following vote: Yeas 30, Nays 0, one present not voting; adopted by the House, with amendment, on May 22, 2001, by the following vote: Yeas 129, Nays 12, one present not voting.

Filed with the Secretary of State May 28, 2001.

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**S.J.R. No. 16**

**SENATE JOINT RESOLUTION**

proposing a constitutional amendment creating the Texas Mobility Fund and authorizing grants and loans of money and issuance of obligations for financing the construction, reconstruction, acquisition, operation, and expansion of state highways, turnpikes, toll roads, toll bridges, and other mobility projects.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-k to read as follows:

*Sec. 49-k. (a) In this section:*

- (1) "Commission" means the Texas Transportation Commission or its successor.*
- (2) "Comptroller" means the comptroller of public accounts of the State of Texas.*
- (3) "Department" means the Texas Department of Transportation or its successor.*
- (4) "Fund" means the Texas Mobility Fund.*
- (5) "Obligations" means bonds, notes, and other public securities.*

*(b) The Texas Mobility Fund is created in the state treasury and shall be administered by the commission as a revolving fund to provide a method of financing the construction, reconstruction, acquisition, and expansion of state highways, including costs of any necessary design and costs of acquisition of rights-of-way, as determined by the commission in accordance with standards and procedures established by law.*

*(c) Money in the fund may also be used to provide participation by the state in the payment of a portion of the costs of constructing and providing publicly owned toll roads and other public transportation projects in accordance with the procedures, standards, and limitations established by law.*

*(d) The commission may issue and sell obligations of the state and enter into related credit agreements that are payable from and secured by a pledge of and a lien on all or part of the money on deposit in the fund in an aggregate principal amount that can be repaid when due from money on deposit in the fund, as that aggregate amount is projected by the comptroller in accordance with procedures established by law. The proceeds of the obligations must be deposited in the fund and used for one or more specific purposes authorized by law, including:*

- (1) refunding obligations and related credit agreements authorized by this section;*
- (2) creating reserves for payment of the obligations and related credit agreements;*

*(3) paying the costs of issuance; and*

*(4) paying interest on the obligations and related credit agreements for a period not longer than the maximum period established by law.*

*(e) The legislature by law may dedicate to the fund one or more specific sources or portions, or a specific amount, of the revenue, including taxes, and other money of the state that are not otherwise dedicated by this constitution. The legislature may not dedicate money from the collection of motor vehicle registration fees and taxes on motor fuels and lubricants dedicated by Section 7-a, Article VIII, of this constitution, but it may dedicate money received from other sources that are allocated to the same costs as those dedicated taxes and fees.*

*(f) Money dedicated as provided by this section is appropriated when received by the state, shall be deposited in the fund, and may be used as provided by this section and law enacted under this section without further appropriation. While money in the fund is pledged to the payment of any outstanding obligations or related credit agreements, the dedication of a specific source or portion of revenue, taxes, or other money made as provided by this section may not be reduced, rescinded, or repealed unless:*

*(1) the legislature by law dedicates a substitute or different source that is projected by the comptroller to be of a value equal to or greater than the source or amount being reduced, rescinded, or repealed and authorizes the commission to implement the authority granted by Subsection (g) of this section; and*

*(2) the commission implements the authority granted by the legislature pursuant to Subsection (g) of this section.*

*(g) In addition to the dedication of specified sources or amounts of revenue, taxes, or money as provided by Subsection (e) of this section, the legislature may by law authorize the commission to guarantee the payment of any obligations and credit agreements issued and executed by the commission under the authority of this section by pledging the full faith and credit of the state to that payment if dedicated revenue is insufficient for that purpose. If that authority is granted and is implemented by the commission, while any of the bonds, notes, other obligations, or credit agreements are outstanding and unpaid, and for any fiscal year during which the dedicated revenue, taxes, and money are insufficient to make all payments when due, there is appropriated, and there shall be deposited in the fund, out of the first money coming into the state treasury in each fiscal year that is not otherwise appropriated by this constitution, an amount that is sufficient to pay the principal of the obligations and agreements and the interest on the obligations and agreements that become due during that fiscal year, minus any amount in the fund that is available for that payment in accordance with applicable law.*

*(h) Proceedings authorizing obligations and related credit agreements to be issued and executed under the authority of this section shall be submitted to the attorney general for approval as to their legality. If the attorney general finds that they will be issued in accordance with this section and applicable law, the attorney general shall approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.*

*(i) Obligations and credit agreements issued or executed under the authority of this section may not be included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (g) of this section has been implemented, the obligations and credit agreements shall be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.*

(j) *The collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose.*

SECTION 2. Section 52-b, Article III, Texas Constitution, is amended to read as follows:

Sec. 52-b. The Legislature shall have no power or authority to in any manner lend the credit of the State or grant any public money to, or assume any indebtedness, present or future, bonded or otherwise, of any individual, person, firm, partnership, association, corporation, public corporation, public agency, or political subdivision of the State, or anyone else, which is now or hereafter authorized to construct, maintain or operate toll roads and turnpikes within this State except that the Legislature may authorize the Texas Department of Transportation to expend, *grant, or loan* money, from any source available, for the *acquisition, construction, maintenance, or operation* [costs] of turnpikes, toll roads, and [or] toll bridges [of the Texas Turnpike Authority, or successor agency, provided that any monies expended out of the state highway fund shall be repaid to the fund from tolls or other turnpike revenue].

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2001. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment creating the Texas Mobility Fund and authorizing grants and loans of money and issuance of obligations for financing the construction, reconstruction, acquisition, operation, and expansion of state highways, turnpikes, toll roads, toll bridges, and other mobility projects."

Adopted by the Senate on March 15, 2001, by the following vote: Yeas 29, Nays 1, one present not voting; and that the Senate concurred in House amendment on May 24, 2001, by the following vote: Yeas 30, Nays 0, one present not voting; adopted by the House, with amendment, on May 16, 2001, by the following vote: Yeas 144, Nays 2, two present not voting.

Filed with the Secretary of State May 25, 2001.

## S.J.R. No. 32

### SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing municipalities to donate outdated or surplus firefighting equipment or supplies to underdeveloped countries.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Article III, Texas Constitution, is amended by adding Section 52h to read as follows:

*Sec. 52h. A municipality may donate to an underdeveloped country outdated or surplus equipment, supplies, or other materials used in fighting fires.*

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2001. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing municipalities to donate outdated or surplus firefighting equipment or supplies to underdeveloped countries."

Adopted by the Senate on April 24, 2001, by the following vote: Yeas 28, Nays 1, one present, not voting; adopted by the House on May 22, 2001, by the following vote: Yeas 143, Nays 1, one present, not voting.